

REMARKS

By this amendment, claims 1-3, 5, 6 and 23 are amended; claims 15-22 and 24-32 are cancelled. Claims 57 and 58 are added to retain the previous scope of claims 3 and 5. Claims 1-3, 5-14, 23 and 33-38 are pending.

This amendment amends claims in accordance with the Examiner's suggestion for overcoming 35 U.S.C. §112 rejections; rewrites claim 3 as an independent claim to capture original scope unintentionally altered by amending claim 1; cancels claims 15-22 and 24-32 to reduce issues for prosecution; and amends claims 2 and 4 to more specifically claim Applicants' invention. Support for the amendments can be found in the application as filed, for example, in the original claims, paragraph [0442], and in the sequence listing. Note that the sequence recited in SEQ ID NO.: 5 is a 159 base fragment of the sequence of SEQ ID NO.: 2 beginning at base 100. Specification [0235]. No issue of new matter arises. In view of the amendment and associated Remarks reconsideration and withdrawal of all outstanding rejections are deemed proper.

Rejection under 35 USC §112, first paragraph

The Office Action listed claims 16, 23 and 24 as being rejected under 35 USC §112, first paragraph. The text portion explaining the rejection however discussed claims 16, 24, 31 and 32. The Advisory Action indicated that claims 15, 23 and 24 were rejected. Claims 15 and 24 are hereby cancelled to simplify issues presently prosecuted. Claim 23 is amended in accordance with the Examiner's suggestion at the third paragraph, page 4 in the May 17, 2005 Office Action. Reconsideration and withdrawal of this rejection are respectfully requested.

Rejection under 35 USC §112, second paragraph

The Office Action listed claims 1-3 and 5 through 38 as rejected under 35 USC §112, second paragraph for alleged indefiniteness. Claims 1-3, 5, 6, 15, 23 and 33 are amended to correct typographic errors, to improve form and to overcome this rejection. The Examiner suggested that amending the claims to explicitly apply size restrictions to both the sequence and complement would overcome the rejection. Such amendments are herewith made. Claim 2 is amended as an independent claim. Clearly the length of SEQ ID No. 2 of 357 bases cannot properly depend from claim 1 as it was previously amended to feature at least 500 bases. Similarly, the recitations of 20 bases in claim 3 and 35 bases in claim 5 are not intended to depend

from claim 1 as amended. Claim 6 is amended to be multiply dependent to depend from amended claims 3 and 5 as well as claim 1. Claim 23 is amended as suggested by the Examiner.

Applicants respectfully submit that the application is now in condition for allowance and request prompt notice thereof.

The Commissioner is hereby authorized to charge any additional fees which may be required by this paper, or credit any overpayment, to Deposit Account No. 18-1982.

Respectfully submitted,



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